

REMARKS

The specification has been amended to delete "(on the fly)" on page 1 and to delete reference to claims on page 2. The subject matter added at page 2 is supported by original claims 2 and 5. Since the undersigned did not find any other significant errors in the specification, it did not appear necessary to file a substitute specification. In addition, the title has been changed to reflect the content of the claims and the Abstract for clarity and to comply with M.P.E.P. §608.01(b).

Also enclosed are proposed amendments to the drawings in red together with replacement drawings. Numeral 7 is deleted because it is not described in the specification.

Claims 5-14 have been cancelled and replaced by new claims 15-23 to avoid the rejection of the claims under §112 second paragraph, to more clearly claim applicants' invention, and to place the claims in more traditional U.S. format using the transitional phrase "comprising" and changing "characterized in that" to "wherein."

Applicants' invention, as set forth in new main claim 15, relates to an apparatus for continuously folding a flat plate element along a fold line, said flat plate element having a first section adjacent to and on one side of the fold line and a second section adjacent to and on the opposite side of the fold line, the apparatus comprising means for continuously moving the element in a direction essentially parallel to the fold line thereof, a first impression device and a second impression device, said means for continuously moving the element, moving the element past the devices so that the first section of the element contacts and slides along the first impression device and so that the second section of the element contacts and slides along the second impression device, the second impression device folding the second section of the element about

the fold line during such movement, said second impression device during said folding creating a first force component extending that acts in a direction perpendicular to the plane of the second section of the element and a second force component extending in the plane of the second section of the element that acts in a direction towards the fold line to press the first section of the element against the first impression device.

Main claim 15 relates to an apparatus for continuously folding a flat plate element along a fold line thereof and includes means for continuously moving the element in a direction essentially parallel to the fold line of the element so that first and second sections of the element contact and slide along first and second impression devices of the apparatus, respectively, the second impression device folding the second section of the element about the fold line during such movement and during such folding creating the claimed first and second force components.

In the Office Action, the Examiner rejected claims 5-8 under 35 U.S.C. §102(b) for being anticipated by Wingerter and claims 9-14 under 35 U.S.C. §103(a) for being obvious over Wingerter in view of Flynn.

Wingerter, however, relates to a different technology than applicants' invention. In Wingerter an individual element, namely a box blank, is being folded to form a single structural element, namely a box, whereas in applicants' invention a flat plate element having a fold line is continuously being folded by the apparatus along a fold line.

In Wingerter, there is no means, as set forth in claim 15, for "continuously moving the element in a direction essentially parallel to the fold line" of the element so that the element is folded along its fold line by the first and second impression devices. Rather

in Wingerter, the element remains in a stationary position while it is being folded about its fold lines.

Accordingly, it is not seen how claim 15 or claims 16 and 17 dependent therefrom, which correspond to former claims 5, 7 and 8, can be considered anticipated by Wingerter and its withdrawal as a ground of rejection of these claims is therefore requested.

Regarding claims 18-23, corresponding to former claims 9-14, these all depend directly or indirectly from claim 15, and Flynn does not disclose what is missing in Wingerter because here also the apparatus does not continuously fold the element along a fold line.

It is believed claims 15-23 are in condition for allowance and such action is therefore requested.

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

It would be appreciated if the Examiner would return an acknowledged copy of the Form PTO 1449 enclosed with the Information Disclosure Statement filed July 12, 2004.

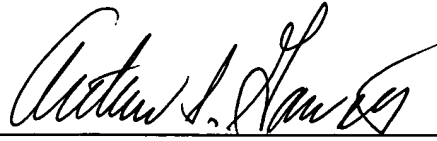
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 18, 2004

By: _____



Arthur S. Garrett
Reg. No. 20,338

Attachments: **Replacement Abstract**
 Replacement Sheets -Three (Figs. 1-3)
 [Annotated Sheet(s) showing changes - Three (Figs. 1-3)]

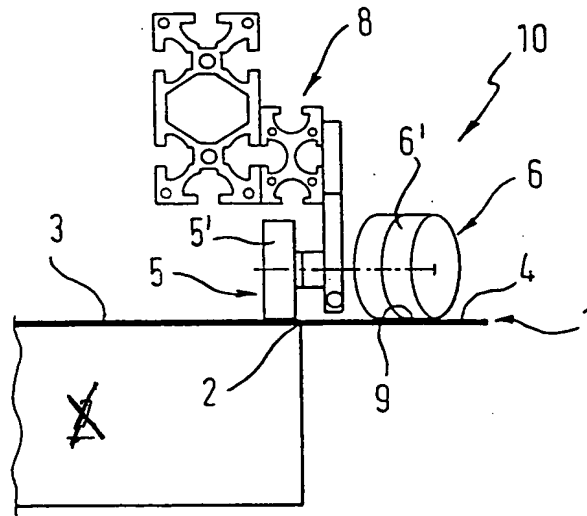
AMENDMENTS TO THE DRAWINGS:

The attached sheets of drawing include changes to Figs. 1-3.

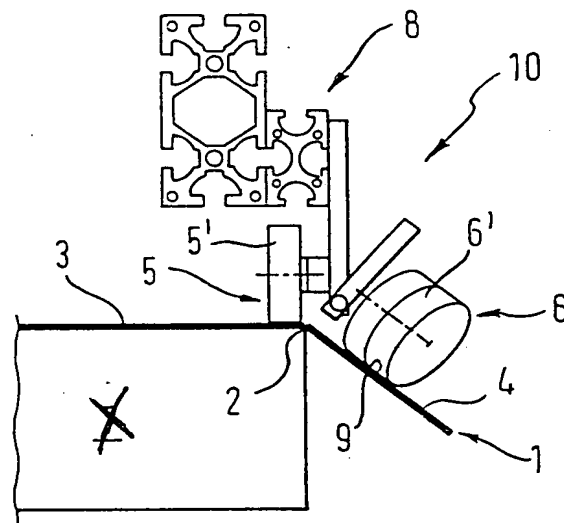
Attachments: **Replacement Sheets -Three (Figs. 1-3)**
 [Annotated Sheet(s) showing changes - Three (Figs. 1-3)]

FIG. 1

a)



b)



c)

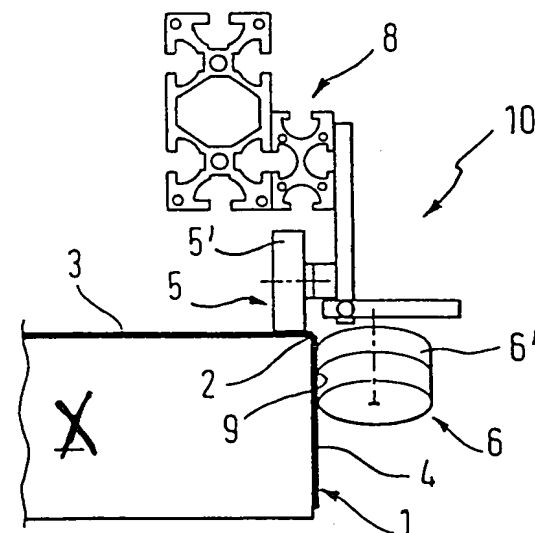


FIG. 2

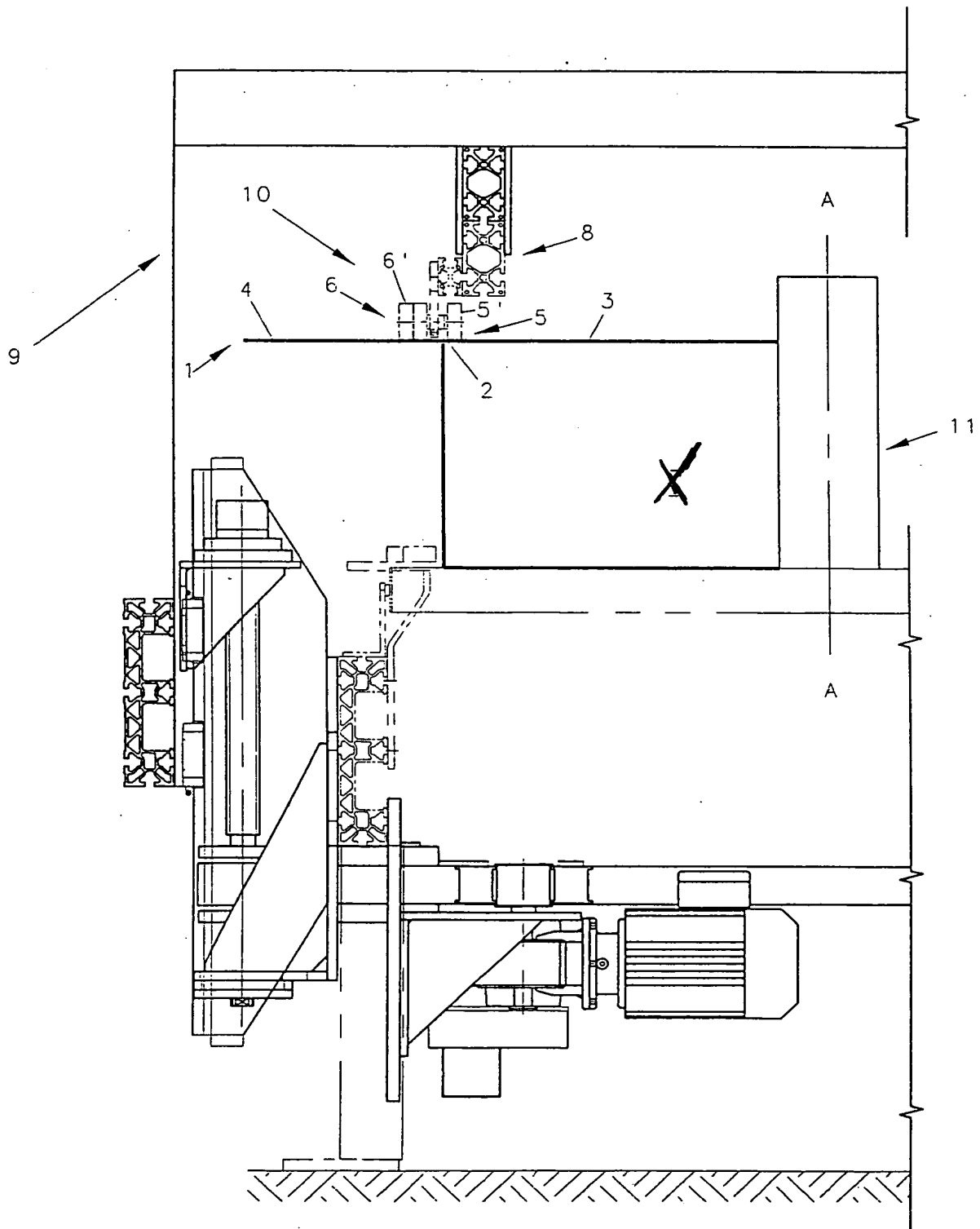


FIG. 3

